IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4706 OF 2007

Sanjay Shamgir Gosavi ..... ....Petitioner.
V/s
Abdul Samad Nababali Choudhary ..... ....Respondent.

Mr.Uday Warunjikar, Adv. For the petitioner.

Mr.P.K.Hushing, Adv. For respondent.

**CORAM: A.P.DESHPANDE, J.**
19/7/07

PC:

The present petitioner had moved an application under Order 1 Rule 10 of Code of Civil Procedure before the trial Court for impleding him as party-defendant in Suit bearing No.1911/95 and the rejection of the said application has given rise to the present writ petition. The petitioner's father who is defendant No.7 in the suit had executed an agreement of sale in favour of the plaintiff. Based on that the plaintiff instituted a suit for specific performance of contract way back in the year 1995. The present applicant though aware about pendency of the suit chose not to move the application under Order 1 Rule 10 till the evidence came to be recorded and the matter came to be listed for final arguments. The application thus is belatedly filed without any explanation for the delay while admittedly the petitioner is staying with

his father who is contesting the suit since the year 1995. The trial Court has rejected the application by further observing that it is not the case of the applicant that defendant No.7 will not protect the interest of the applicant. Learned counsel for the petitioner then submits that for cancellation of the agreement of sale he has instituted another Suit bearing No.1926/06 and the same is pending before the Civil Judge, Senior Division, Pune. Perused the order. Same does not call for interference. Hence writ petition is summarily dismissed.

19.7.07